

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 11E-35 as follows:

6 (105 ILCS 5/11E-35)

7 Sec. 11E-35. Petition filing.

8 (a) A petition shall be filed with the regional  
9 superintendent of schools of the educational service region in  
10 which the territory described in the petition or that part of  
11 the territory with the greater percentage of equalized assessed  
12 valuation is situated. The petition must do the following:

13 (1) be signed by at least 50 legal resident voters or  
14 10% of the legal resident voters, whichever is less,  
15 residing within each affected district; or

16 (2) be approved by the school board in each affected  
17 district.

18 (b) The petition shall contain all of the following:

19 (1) A request to submit the proposition at a regular  
20 scheduled election for the purpose of voting:

21 (A) for or against a high school - unit conversion;

22 (B) for or against a unit to dual conversion;

23 (C) for or against the establishment of a combined

1 elementary district;

2 (D) for or against the establishment of a combined  
3 high school district;

4 (E) for or against the establishment of a combined  
5 unit district;

6 (F) for or against the establishment of a unit  
7 district from dual district territory exclusively;

8 (G) for or against the establishment of a unit  
9 district from both dual district and unit district  
10 territory;

11 (H) for or against the establishment of a combined  
12 high school - unit district from a combination of one  
13 or more high school districts and one or more unit  
14 districts;

15 (I) for or against the establishment of a combined  
16 high school - unit district and one or more new  
17 elementary districts through a multi-unit conversion;

18 (J) for or against the establishment of an optional  
19 elementary unit district from a combination of a  
20 substantially coterminous dual district; or

21 (K) for or against dissolving and becoming part of  
22 an optional elementary unit district.

23 (2) A description of the territory comprising the  
24 districts proposed to be dissolved and those to be created,  
25 which, for an entire district, may be a general reference  
26 to all of the territory included within that district.

1           (3) A specification of the maximum tax rates for  
2 various purposes the proposed district or districts shall  
3 be authorized to levy for various purposes and, if  
4 applicable, the specifications related to the Property Tax  
5 Extension Limitation Law, in accordance with Section  
6 11E-80 of this Code.

7           (4) A description of how supplementary State deficit  
8 difference payments made under subsection (c) of Section  
9 11E-135 of this Code will be allocated among the new  
10 districts proposed to be formed.

11           (5) Where applicable, a division of assets and  
12 liabilities to be allocated to the proposed new or annexing  
13 school district or districts in the manner provided in  
14 Section 11E-105 of this Code.

15           (6) If desired, a request that at that same election as  
16 the reorganization proposition a school board or boards be  
17 elected on a separate ballot or ballots to serve as the  
18 school board or boards of the proposed new district or  
19 districts. Any election of board members at the same  
20 election at which the proposition to create the district or  
21 districts to be served by the board or boards is submitted  
22 to the voters shall proceed under the supervision of the  
23 regional superintendent of schools as provided in Section  
24 11E-55 of this Code.

25           (7) If desired, a request that the referendum at which  
26 the proposition is submitted for the purpose of voting for

1 or against the establishment of a unit district (other than  
2 a partial elementary unit district) include as part of the  
3 proposition the election of board members by school board  
4 district rather than at large. Any petition requesting the  
5 election of board members by district shall divide the  
6 proposed school district into 7 school board districts,  
7 each of which must be compact and contiguous and  
8 substantially equal in population to each other school  
9 board district. Any election of board members by school  
10 board district shall proceed under the supervision of the  
11 regional superintendent of schools as provided in Section  
12 11E-55 of this Code.

13 (7.5) For the combining of Westmer Community Unit  
14 School District 203 and Aledo Community Unit School  
15 District 201, if desired, a request that the referendum at  
16 which the proposition is submitted for the purpose of  
17 voting for or against the establishment of a combined unit  
18 district include as part of the initial proposition the  
19 election of board members by a combination of members  
20 representing each of the forming unit districts and members  
21 at large rather than solely members at large and the  
22 election of all board members at large for each election  
23 thereafter. The format for the election of the new unit  
24 district school board must be defined in the petition. When  
25 a combination of board members representing each of the  
26 forming unit school districts and at-large formats are

1 used, 3 members must be elected from each of the forming  
2 unit school districts and the remaining member must be  
3 elected at large.

4 (8) If desired, a request that the referendum at which  
5 the proposition is submitted for the purpose of voting for  
6 or against the establishment of a unit to dual conversion  
7 include as part of the proposition the election of board  
8 members for the new high school district (i) on an at large  
9 basis, (ii) with board members representing each of the  
10 forming elementary school districts, or (iii) a  
11 combination of both. The format for the election of the new  
12 high school board must be defined in the petition. When 4  
13 or more unit school districts and a combination of board  
14 members representing each of the forming elementary school  
15 districts are involved and at large formats are used, one  
16 member must be elected from each of the forming elementary  
17 school districts. The remaining members may be elected on  
18 an at large basis, provided that none of the underlying  
19 elementary school districts have a majority on the  
20 resulting high school board. When 3 unit school districts  
21 and a combination of board members representing each of the  
22 forming elementary school districts are involved and at  
23 large formats are used, 2 members must be elected from each  
24 of the forming elementary school districts. The remaining  
25 member must be elected at large.

26 (9) If desired, a request that the referendum at which

1 the proposition shall be submitted include a proposition on  
2 a separate ballot authorizing the issuance of bonds by the  
3 district or districts when organized in accordance with  
4 this Article. However, if the petition is submitted for the  
5 purpose of voting for or against the establishment of an  
6 optional elementary unit district, the petition may  
7 request only that the referendum at which the proposition  
8 is submitted include a proposition on a separate ballot  
9 authorizing the issuance of bonds for high school purposes  
10 (and not elementary purposes) by the district when  
11 organized in accordance with this Article. The principal  
12 amount of the bonds and the purposes of issuance, including  
13 a specification of elementary or high school purposes if  
14 the proposed issuance is to be made by a combined high  
15 school - unit district, shall be stated in the petition and  
16 in all notices and propositions submitted thereunder.

17 (10) A designation of a committee of ten of the  
18 petitioners as attorney in fact for all petitioners, any 7  
19 of whom may at any time, prior to the final decision of the  
20 regional superintendent of schools, amend the petition in  
21 all respects (except that, for a unit district formation,  
22 there may not be an increase or decrease of more than 25%  
23 of the territory to be included in the proposed district)  
24 and make binding stipulations on behalf of all petitioners  
25 as to any question with respect to the petition, including  
26 the power to stipulate to accountings or the waiver thereof

1           between school districts.

2           (c) The regional superintendent of schools shall not accept  
3 for filing under the authority of this Section any petition  
4 that includes any territory already included as part of the  
5 territory described in another pending petition filed under the  
6 authority of this Section.

7           (d) (1) Those designated as the Committee of Ten shall serve  
8 in that capacity until such time as the regional superintendent  
9 of schools determines that, because of death, resignation,  
10 transfer of residency from the territory, failure to qualify,  
11 or any other reason, the office of a particular member of the  
12 Committee of Ten is vacant. Upon determination by the regional  
13 superintendent of schools that these vacancies exist, he or she  
14 shall declare the vacancies and shall notify the remaining  
15 members to appoint a petitioner or petitioners, as the case may  
16 be, to fill the vacancies in the Committee of Ten so  
17 designated. An appointment by the Committee of Ten to fill a  
18 vacancy shall be made by a simple majority vote of the  
19 designated remaining members.

20           (2) Failure of a person designated as a member of the  
21 Committee of Ten to sign the petition shall not disqualify that  
22 person as a member of the Committee of Ten, and that person may  
23 sign the petition at any time prior to final disposition of the  
24 petition and the conclusion of the proceedings to form a new  
25 school district or districts, including all litigation  
26 pertaining to the petition or proceedings.

1           (3) Except as stated in item (10) of subsection (b) of this  
2 Section, the Committee of Ten shall act by majority vote of the  
3 membership.

4           (4) The regional superintendent of schools may accept a  
5 stipulation made by the Committee of Ten instead of evidence or  
6 proof of the matter stipulated or may refuse to accept the  
7 stipulation, provided that the regional superintendent sets  
8 forth the basis for the refusal.

9           (5) The Committee of Ten may voluntarily dismiss its  
10 petition at any time before the petition is approved by either  
11 the regional superintendent of schools or State Superintendent  
12 of Education.

13 (Source: P.A. 94-1019, eff. 7-10-06.)

14           Section 99. Effective date. This Act takes effect upon  
15 becoming law.